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May 21, 2021

Via CM/ECF

The Honorable Richard M. Gergel
U.S. District Court for the District of South Carolina
J. Waties Waring Judicial Center
83 Meeting Street
Charleston, South Carolina 29401

Re: In re Aqueous Film-Forming Foams Product Liability Litigation (MDL No. 2873)

Dear Judge Gergel:

In advance of the May 24, 2021 Final Fairness Hearing in *Campbell v. Tyco Fire Products LP et al.*, Defendants Tyco Fire Products LP and Chemguard, Inc. enclose for your consideration the Wisconsin Department of Natural Resources' May 18, 2021 Letter conditionally approving Tyco's Groundwater Extraction and Treatment System (GETS). As described in our May 3, 2021 submission to the Court, the GETS system is a critical pillar of Tyco's plan to address PFAS contamination in the environment near its Fire Technology Center in Marinette, Wisconsin. See Dkt. No. 1558, at 7-8 & n.3.

In its conditional approval letter, the WDNR stated that it "thanks JCI/Tyco for its plans to implement an interim action that is designed to remove per- and polyfluoroalkyl substances (PFAS) mass from the environment and reduce further spread [of] PFAS from the site." Encl. at 1. It went on to state that although the WDNR "expects that one or more actions may be needed to achieve the final remedial goals," it "finds the GETS interim action is designed to meet the remedial objectives [Tyco] has provided in the GETS RADR [Remedial Action Design Report]. The DNR finds that JCI/Tyco's design for the GETS incorporates current proven technologies for PFAS remediation; is based on available site data; and can be adapted to future changes in technology and site conditions." *Id.* That being the case, "In accordance with Wis. Adm. Code § NR 724.07, the DNR conditionally approves the GETS RADR." *Id.*

The GETS system embodies Tyco's firm commitment to address the PFAS issues in its community. As the WDNR noted, "the GETS is expected to run for many years with regular performance monitoring, maintenance and pump replacement." *Id.* at 2. In fact, Tyco's models

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are built around a 30-year operating horizon during which Tyco will undertake these activities.
Id.

Respectfully,

/s/ Liam J. Montgomery

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Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2021, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing upon counsel of record.

Dated: May 21, 2021

/s/ Liam J. Montgomery
Liam J. Montgomery